

MITIGATED NEGATIVE DECLARATION

March 22, 2007

Project Name: Skanes Property

Project Number(s): TPM 20930RPL¹, ER 05-14-011

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for biological resources, cultural resources, fire protection, drainage/hydrology, stormwater, and residential wells

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGY

1. Prior to approval of grading permits or improvement plans, and prior to approval of the Parcel Map, the applicant shall:
 - a. Grant to the County of San Diego and the California Department of Fish and Game an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the Open Space Exhibit dated **November 8, 2006** on file with the Department of Planning and Land Use as Environmental Review Number 05-14-011. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exception(s) to this prohibition are:

- 1) Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts, and any subsequent amendments thereto.

- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use.
- 2. Prior to issuance of grading permits or construction permits, or on the Parcel Map, whichever comes first, the applicant shall:
 - a. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated November 8, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 05-14-011. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:
 - 1) Decking, fences, and similar facilities.
 - 2) Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- 3. Prior to obtaining any building or grading permit, the applicant shall:
 - a. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The applicant shall submit to the Department of Planning and Land Use a statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location

shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. The temporary fencing shall be removed after the conclusion of such activity. The temporary fencing condition shall be released on a parcel-by-parcel basis.

4. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:
 - a. Install permanent fences or walls to protect dedicated open space from inadvertent disturbance by grading, brushing or clearing. Permanent fences or walls are required in all locations of the project as shown on the Open Space Fencing Plan dated November 8, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 05-14-011. The fence or wall shall be a minimum of four feet (4') high and consist of wooden split rail or 3-strand wire. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been installed. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. The permanent fencing condition shall be released on a parcel-by-parcel basis.
5. Prior to the approval of grading or improvement plans and prior to the approval of the Parcel Map, the applicant shall:
 - a. Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Signage Exhibit dated November 8, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 05-14-011. Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered

Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**“Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement**

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: 05-14-011”

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703 (a)(2) and/or (b)(1), unless proof is furnished that a lesser width is applicable under Section 81.703(l)(1) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to off-site access to all proposed parcels.
2. Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that physically, there is a minimum unobstructed sight

distance in both directions along Rainbird Road from Sage Hill Drive, for the prevailing operating speed of traffic on Rainbird Road. Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required.

3. The Parcel Map shall show a thirty-eight foot (38') minimum radius offset cul-de-sac located in the vicinity of the southeasterly corner of Parcel 2, to the satisfaction of the San Diego Rural Fire Protection District and the Department of Public Works.
4. The Parcel Map shall show a minimum forty-foot (40') wide private road easement along, contiguous to, and within the southerly boundary of Parcel 3.
5. The proposed private easement road shall intersect Sage Hill Drive within twenty degrees (20°) of perpendicular.
6. Prior to recordation of the Parcel Map, a registered civil engineer or a licensed land surveyor shall provide a signed statement that the private easement road (Rainbird Road), from Sage Hill Drive northerly to the publicly maintained portion of Rainbird Road, has a minimum improved width of twenty-four feet (24') asphalt concrete and meets the Design Standards of Section 3.1(B) of the County Standards for Private Roads for one-hundred one (101) to seven-hundred fifty (750) trips and is constructed within the easement for the benefit of the land division. The engineer shall further certify that the road meets all other Sections of the County Standards for Private Streets including Section 3.8.
7. Execute an Irrevocable Offer to Dedicate the right-of-way required to complete a thirty-foot (30') wide, one-half right-of-way width on each side of the centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit on each side for that portion within the land division for Sage Hill Drive.

8. Any dedication or offer of dedication shall be free of any burdens or encumbrances which would interfere with the purpose for which the dedication or offer of dedication is required. All access easements for any utilities must be plotted on the Parcel Map.
 9. The subdivider shall authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The developer shall cover the cost by paying a minimum fee at Land Development Counter Services.
 10. The subdivider shall provide for maintenance of all on-site and off-site private roads that serve the project through private road maintenance agreements.
 11. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
 12. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.
- B. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

1. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.
2. The offset cul-de-sac shall be graded to a radius of thirty-eight feet (38') and improved with asphalt concrete to a radius of thirty-six feet (36'), to the satisfaction of the San Diego Rural Fire Protection District and the Department of Public Works.
3. The to-be-named private easement road, from the southeasterly corner of Parcel 2 easterly to Sage Hill Drive, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for one hundred (100) or less trips shall apply.
4. The private easement road (Sage Hill Drive), from the to-be-named private easement road southerly to Rainbird Road shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-four feet (24'). All distressed sections shall be replaced. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for one hundred one (101) to seven hundred fifty (750) trips shall apply.
5. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.
6. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
7. A street name sign, with a County approved street name, shall be installed and located at the intersection of the to-be-named private easement road and Sage Hill Drive per San Diego County Design Standards DS-13.

8. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The to-be-named private easement road, including all slopes and the cul-de-sac, from the southeast corner of Parcel 2 easterly to Sage Hill Drive, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
9. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road (Sage Hill Drive), from the to-be-named private easement road southerly to Rainbird Road, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
10. The structural section for the private roads shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Roads.
11. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
12. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all (Parcel) or (Subdivision) Map surveys performed after January 1, 2000 must use a Basis of

Bearings established from existing Horizontal Control Stations with first order accuracy.

13. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).
14. After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map. For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's / engineer's certificate as shown on the final map.
15. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This

requirement shall be to the satisfaction of the Director of Public Works.

16. All plans shall be in conformance with the following:

- Sections 811.201 through 811.602 of Ordinance No. 8334 pertaining to Flood Hazards
- Sections 88.100 through 88.500 of Ordinance No. 3172 (amendments by Ordinances No. 5147, 5150, 5406, 5521, 5827, 6051, 7141, 7801, 7986) pertaining to Drainage and Watercourses
- Sections 87.101 through 87.717 of Ordinance 2925 (amendments by Ordinances No. 3281, through 8691) pertaining to Excavation and Grading

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

JOSEPH FARACE, AICP, Planning Manager
Regulatory Planning Division

JF:CP:jcr

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